

## CCRB INVESTIGATIVE RECOMMENDATION

|  |                                     |                           |   |                                    |                                 |
|--|-------------------------------------|---------------------------|---|------------------------------------|---------------------------------|
| Investigator:<br>John Guzman                     | Team:<br>Squad #4                   | CCRB Case #:<br>201906567 | <input type="checkbox"/> Force                        | <input type="checkbox"/> Discourt. | <input type="checkbox"/> U.S.   |
|  |                                     |                           | <input checked="" type="checkbox"/> Abuse             | <input type="checkbox"/> O.L.      | <input type="checkbox"/> Injury |
| Incident Date(s)<br>Tuesday, 06/18/2019 12:40 PM | Location of Incident:<br>§ 87(2)(b) | Precinct:<br>67           | 18 Mo. SOL<br>12/18/2020                              | EO SOL<br>8/4/2021                 |                                 |
| Date/Time CV Reported<br>Fri, 07/26/2019 1:18 PM | CV Reported At:<br>CCRB             | How CV Reported:<br>Phone | Date/Time Received at CCRB<br>Fri, 07/26/2019 1:18 PM |                                    |                                 |

| Complainant/Victim | Type       | Home Address |
|--------------------|------------|--------------|
| § 87(2)(b)         | § 87(2)(b) | § 87(2)(b)   |
| § 87(2)(b)         | § 87(2)(b) | § 87(2)(b)   |

| Witness(es) | Home Address |
|-------------|--------------|
| § 87(2)(b)  | § 87(2)(b)   |

| Subject Officer(s) | Shield | TaxID  | Command |
|--------------------|--------|--------|---------|
| 1. POM Guosheng Du | 14727  | 961741 | 067 PCT |

| Witness Officer(s)       | Shield No | Tax No | Cmd Name |
|--------------------------|-----------|--------|----------|
| 1. POM Domonic Gibson    | 19664     | 958628 | 067 PCT  |
| 2. POM Joseph Nolasco    | 19529     | 958991 | 067 PCT  |
| 3. POM Radoslaw Turowski | 09564     | 954380 | 067 PCT  |

| Officer(s)        | Allegation  | Investigator Recommendation |
|-------------------|---|-----------------------------|
| A.POM Guosheng Du | Abuse: Police Officer Guosheng Du threatened to arrest § 87(2)(b) | § 87(2)(b)                  |

## Case Summary

On July 26, 2019, § 87(2)(b) called the CCRB and filed the following complaint on behalf of her father, § 87(2)(b). § 87(2)(b) did not witness the incident.

On June 18, 2019, at approximately 12:40 p.m., at § 87(2)(b) in Brooklyn, § 87(2)(b) was in a physical dispute with his house guests § 87(2)(b) and § 87(2)(b). § 87(2)(b) called 911. PO Guosheng Du, PO Domonic Gibson, PO Joseph Nolasco, PO Radoslaw Turowski, all from the 67<sup>th</sup> Precinct, responded. Officers interviewed § 87(2)(b) and § 87(2)(b) separately. PO Du allegedly told § 87(2)(b) that if he arrested § 87(2)(b) then he would arrest § 87(2)(b) as well (**Allegation A: Abuse of Authority**, § 87(2)(b)). No arrests or summonses resulted from this incident.

The investigation obtained four body-worn camera video recordings related to this incident.

## Findings and Recommendations

### Allegation A: Abuse of Authority: PO Guosheng Du threatened to arrest § 87(2)(b).

§ 87(2)(b) testified (Board Review 01) that he was in a physical dispute with his house guests § 87(2)(b) and § 87(2)(b). § 87(2)(b) called 911 and two unknown officers responded. § 87(2)(b) told the officers that § 87(2)(b) sprayed Lysol in his face and punched him in the nose, and that § 87(2)(b), § 87(2)(b) daughter, grabbed a knife, pointed it at him, and threatened to kill him. Officers left to speak with § 87(2)(b) and § 87(2)(b). An officer returned approximately five minutes later and told § 87(2)(b) he should go through the court to have § 87(2)(b) removed from his home. Approximately 30-40 minutes later, § 87(2)(b) was inside his apartment when he observed two additional officers, PO Du and PO Gibson, walking up to his apartment building. § 87(2)(b) went downstairs to let PO Du and PO Gibson in. PO Du and PO Gibson told § 87(2)(b) to wait where he was while they went to speak to § 87(2)(b) and § 87(2)(b). Approximately 15 to 20 minutes later, PO Du and PO Gibson returned. PO Du told § 87(2)(b) that § 87(2)(b) alleged he touched § 87(2)(b) inappropriately. PO Du added he would have to arrest § 87(2)(b) if § 87(2)(b) wanted § 87(2)(b) arrested. PO Gibson asked § 87(2)(b) if he sustained any injuries from § 87(2)(b) and § 87(2)(b) actions. § 87(2)(b) replied no. PO Gibson stated the only way he could arrest § 87(2)(b) and § 87(2)(b) and not § 87(2)(b) was if § 87(2)(b) sustained injuries.

PO Du's BWC footage (Board Review 02) begins with PO Du and PO Gibson exiting the apartment building and approaching § 87(2)(b). § 87(2)(b) is standing on the sidewalk and talking with PO Nolasco and PO Radowski. All four officers then move to the front of the apartment building and ask § 87(2)(b) what occurred. § 87(2)(b) explains that a physical dispute transpired between him and § 87(2)(b) who sprayed Lysol on him and hit him in the face or grabbed him. At 3:15, PO Gibson asks § 87(2)(b) if he was injured and § 87(2)(b) replies, "No, I'm not injured." At 4:40 PO Gibson says to § 87(2)(b) "You are making statements to the police on camera right now and any statement that you make to us that are proved false can result in your arrest." Officers then enter the apartment building. § 87(2)(b) remains downstairs. PO Du, PO Gibson, and PO Radowski walk up the stairs and knocked on the door of Apartment § 87(2)(b). PO Nolasco remains on the staircase. § 87(2)(b) answers the door and officers asked what occurred between her and § 87(2)(b). § 87(2)(b) provides an account that detailed § 87(2)(b) opening the door on her § 87(2)(b) in the bathroom. PO Gibson asks, "Harassment?" and the BWC is then turned off.

PO Nolasco (Board Review 03), PO Gibson (Board Review 04), and PO Radowski (Board Review 05) depict what is captured in PO Du's BWC recording. None of the recordings capture PO Du's alleged threat of arrest.

PO Du's statement (Board Review 06) was generally consistent with his BWC recording. PO Du testified that the police investigation only focused on details regarding the altercation between § 87(2)(b) and § 87(2)(b). As a result, PO Du was not focused on investigating the circumstances of § 87(2)(b) entering the bathroom while § 87(2)(b) was inside. PO Du testified that after § 87(2)(b) and § 87(2)(b) were interviewed, it was determined that the job did not constitute an assault-in-progress and was subsequently changed to harassment, which did not require BWC activation. The officers subsequently turned off their body-worn cameras. PO Du denied threatening to arrest § 87(2)(b) and did not hear any officer threaten to arrest § 87(2)(b). PO Du added that there was never any mention of an arrest.

PO Gibson's statement (Board Review 07) was also generally consistent with his BWC recording and PO Du's statement. PO Gibson acknowledged saying to § 87(2)(b) "You are making statements to the police on camera right now and any statement that you make to us that are proved false can result in your arrest." PO Gibson made this statement in response to § 87(2)(b)'s inconsistent statements regarding what occurred during his physical dispute with § 87(2)(b). PO Gibson did not, otherwise, threaten to arrest § 87(2)(b) and did not hear any officer threaten to arrest § 87(2)(b). PO Gibson testified that § 87(2)(b) could not have been arrested for entering the bathroom while § 87(2)(b) was inside because it appeared § 87(2)(b) had done so by accident. PO Gibson also stated that he turned off his BWC after the job was changed to harassment because BWC activation was no longer required.

§ 87(2)(g)

§ 87(2)(g)

#### **Civilian and Officer CCRB Histories**

- This is the first CCRB complaint involving § 87(2)(b) (Board Review 08)
- PO Du has been a member of service for 3 years and has been the subject of 1 other complaint, which was not substantiated. § 87(2)(g)

#### **Mediation, Civil, and Criminal Histories**

- § 87(2)(b) declined to mediate this complaint.
- As of November 1, 2019, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regards to this complaint. (Board Review 09)
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

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Squad No.: \_\_\_\_\_

|               |                    |                             |               |
|---------------|--------------------|-----------------------------|---------------|
|               | _____<br>Signature | _____<br>Print Title & Name | _____<br>Date |
| Investigator: |                    |                             |               |
| Squad Leader: | _____<br>Signature | _____<br>Print Title & Name | _____<br>Date |
| Reviewer:     | _____<br>Signature | _____<br>Print Title & Name | _____<br>Date |